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**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF WYOMING**

STEPHANIE WADSWORTH, Individually
and as Parent and Legal Guardian of W.W.,
K.W., G.W., and L.W., minor children, and
MATTHEW WADSWORTH,

Plaintiffs,

v.

WALMART, INC. and JETSON
ELECTRIC BIKES, LLC,

Defendants.

Case No.: 2:23-cv-00118-NDF

JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION TO EXCLUDE THE PURPORTED EXPERT
TESTIMONY OF JOSEPH FILAS**

COMES NOW, the Plaintiffs, Stephanie Wadsworth, individually and as parent and legal guardian of W.W., K.W., G.W., and L.W., minor children, and Matthew Wadsworth, (hereinafter "Plaintiffs") by and through their counsel of record Rudwin Ayala, Esquire and Morgan & Morgan, and pursuant to Fed. R. Civ. P. 26 and Fed. R. Evid. 702, submit this Motion to Exclude

the Purported Expert Testimony of Joseph Filas, and Brief in Support Thereof, showing this Honorable Court as follows:

1. This is a product liability action in which Plaintiffs allege that Defendants are liable for their injuries sustained on February 1, 2022, when the Jetson hoverboard they purchased from Walmart exploded and caught fire in the Plaintiffs' home, causing severe injuries to the Plaintiffs.

2. Plaintiffs have alleged that Defendant Jetson Electric Bikes, LLC (hereinafter "Jetson") defectively designed and manufactured the subject hoverboard, and that Jetson is hereby liable to Plaintiffs for said defects based upon negligence and strict liability, as well as for breaches of warranties of merchantability and fitness for a particular purpose.

3. Plaintiffs have alleged that Defendant Walmart, as retailer/distributor is also liable to Plaintiffs for said defects based upon negligence and strict liability, as well as for breaches of warranties of merchantability and fitness for a particular purpose.

4. Specifically, Plaintiffs have alleged that the defective design and manufacture of the subject hoverboard resulted from the internal failures of the subject hoverboard components, namely the lithium-ion battery.

5. The battery within the subject hoverboard suffered an internal short circuit or malfunction, causing cells within the battery pack to "vent", or explode, resulting in a fire event within the Wadsworth home which spread throughout the entire home.

6. Plaintiff, Stephanie Wadsworth and Weston Wadsworth suffered permanent, life-altering injuries as a result of the significant burns sustained by both.

7. Defendants have denied Plaintiffs' claims and allege that the fire started in a shed outside of the home. More specifically, Defendants allege that the fire began in a shed outside of the boys' bedroom ("Bedroom 4") and then spread to the home.

8. In support of this defense, Defendants have offered the purported expert testimony of Joseph Filas (“Filas”), a certified fire investigator who offered opinions concerning the origin and cause of the subject fire.

9. Specifically, Filas relies on the arc mapping performed by Brian Strandjord, PE, who testified that electrical arcing was found at the outside shed, and that serves as evidence of the fire originating outside the home because no arcing was purportedly found inside the home.

10. As was previously presented to the Court in Plaintiffs’ Motion to Exclude the Purported Expert Testimony of Brian Strandjord, PE (“Strandjord”), he was unqualified to render said opinions relating to arc mapping, including concepts of metallurgy; he failed to consider necessary and available evidence at the scene of the fire; and he employed unreliable methodology when rendering his opinions. See Documents # 94 and #95 filed on Dec. 2, 2024.

11. Furthermore, Filas relies on the burn test of an exemplar shed performed by Defense Expert Greg Gorbett, and fire modeling also performed by Mr. Gorbett for his ultimate conclusion that the fire originated at the outside shed.

12. Fed. R. Evid. 702 governs the admissibility of expert testimony, tasking the Court with acting as gatekeeper to only allow reliable testimony from a qualified expert in order to assist the jury with technical aspects of a case.

13. As demonstrated below, however, Filas is unqualified to serve as an expert witness for origin and cause as it relates to this incident. Furthermore, even if the Court deems him capable of meeting the qualification requirements of Fed. R. Evid. 702, his opinions fail to meet the reliability requirements prescribed by Fed. R. Evid. 702 and must be excluded.

14. For the reasons set forth in the accompanying Brief, Plaintiffs respectfully request this Court enter an Order excluding Filas’ opinions and otherwise striking him as an expert witness.

Date: December 2, 2024

Respectfully Submitted,

/s/ Rudwin Ayala

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 2, 2024, a true and correct copy of the foregoing Motion was electronically served to all counsel of record by using the CM/ECF system:

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